IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 21976 of 2003

Between:
M/s.Gupta Steel Wire Industries,
a partnership firm havints its
Factory/Reg. Office at 15/4, Industrial Area,
rep by Anand Kumar Kanodia
R/o.Azamabad, Hyderabad

..... PETITIONER

AND
The State Bank of Hyderabad,
Having its Head Office at
Gunfoundry, Hyderabad-177
And a branch at Chikadpally,
Hyderabad-500 020, represented by it's Chief Manager.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, in the nature of writ of mandamus or any other appropriate writ, direction or order declaring the said act is illegal and ultra virus and the notice u/s 13(2) of the said Act dated. 26.8.2003, which was received by the petitioner by registered post acknowledgement due on 28.8.2003, issued by the state Bank of Hyderabad. Chikadpally Branch, Hyderabad, the respondent herein, under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, as illegal and void.

For the Petitioner:MR.GOURI SHANKAR SANGHI , Advocate

For the Respondent : MR.E.RAMANADHAM, Advocate

The Court Made the Following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

29th June, 2004.
nmr

ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

To

1. The Chief Manager, State Bank of Hyderabad, Gunfoundry, Hyderabad-177
2. The Branch Manager, State Bank of Hyderabad, Chikkadpally Branch, Hyderabad.
3. 2CD copies